

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

CASE NO.: 1:23-cv-10455

PAUL REIFFER,

Plaintiff,

v.

CANDELTA INC (US),

Defendant,

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff PAUL REIFFER by and through his undersigned counsel, brings this Complaint against Defendant CANDELTA INC (US) for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff PAUL REIFFER (“Reiffer”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Reiffer's original copyrighted Work of authorship.

2. Reiffer is a professional landscape, cityscape, and commercial photographer working worldwide. He is a Fellow of the British Institute of Professional Photography, an Associate of the Royal Photographic Society, winner of the UN International Year of Light competition, and the owner of the “world’s most exclusive and remote gallery” in the Maldives, which is only accessible by seaplane or speedboat. Reiffer’s images of cityscapes, extreme locations, rooftops, heli-shoots, the arctic circle, and others are highly sought after. Reiffer is routinely commissioned for commercial work. Reiffer’s images are scarce as they are created

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using a Phase One XV iO3/100 100 Megapixel Medium Format digital camera system, valued at \$60,000.

3. Defendant CANNDELTA INC (US) (“Canndelta”) is a Global Cannabis Licensing Firm. At all times relevant herein, Canndelta owned and operated the internet website located at the URL <https://canndelta.com/> (the “Website”).

4. Reiffer alleges that Defendant copied Reiffer’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Canndelta committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Canndelta's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Canndelta engaged in infringement in this district, Canndelta resides in this district, and Canndelta is subject to personal jurisdiction in this district.

DEFENDANT

9. Canndelta Inc. is a Canadian Corporation, with its principal place of business in the United States at 99 Hudson Street, New York, 10013, and can be served by serving any manager, officer, or agent authorized to accept service at the same location.

THE COPYRIGHTED WORK AT ISSUE

10. In 2014, Reiffer created the photograph entitled “20141019-CF000824-final,” which is shown below and referred to herein as the “Work”.



11. Reiffer registered the Work with the Register of Copyrights on May 08, 2017, and was assigned registration number VA-2-044-620. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Reiffer's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Reiffer was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY CANDELTA

14. Canndelta has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Canndelta copied the Work.

16. On or about July 21, 2022, Reiffer discovered the unauthorized use of his Work on the Website. The Work was used on Canndelta's home page.

17. Canndelta copied Reiffer's copyrighted Work without Reiffer's permission.

18. After Canndelta copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its regular business activities.

19. Canndelta copied and distributed Reiffer's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Reiffer's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. Canndelta committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Reiffer never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

23. Reiffer notified Canndelta of the allegations set forth herein on December 21, 2022. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

24 Reiffer incorporates the allegations of paragraphs 1 through 28 of this Complaint as if fully set forth herein.

25 Reiffer owns a valid copyright in the Work at issue in this case.

26 Reiffer registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27 Canndelta copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Reiffer's authorization in violation of 17 U.S.C. § 501.

28 Canndelta performed the acts alleged in the course and scope of its business activities.

29 Defendant's acts were willful.

30 Reiffer has been damaged.

31 The harm caused to Reiffer has been irreparable.

WHEREFORE, the Plaintiff PAUL REIFFER prays for judgment against the Defendant CANNDELTA INC (US) that:

a. Canndelta and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Canndelta be required to pay Reiffer his actual damages and Defendant's profits attributable to the infringement, or, at Reiffer's election, statutory damages, as provided in 17 U.S.C. § 504

c. Reiffer be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Reiffer be awarded pre- and post-judgment interest; and
- e. Reiffer be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Reiffer hereby demands a trial by jury of all issues so triable.

DATED: November 30, 2023

Respectfully submitted,

/s/ Joseph A. Dunne
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